

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 SOUTH, BOARD ROOM, AUSTIN, TX 78741
November 28, 2012— 1:00 PM

Call to Order. Lamberto “Bobby” Ballí, P.E., Committee Chair called the Licensing Committee meeting to order at 1:00 pm on November 28, 2012, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX 78741 (All votes are unanimous, unless otherwise noted).

1. Roll call and welcome visitors.

Lamberto “Bobby” Ballí, P.E.	Chair
Carry Ann Baker	Member
James “Jim” Greer, P.E.	Member
Sam Kannappan, P.E.	Member

A quorum was present. Ms. Nancy Fuller, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member, was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, MPA	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Dewey Helmcamp, III JD	Staff Attorney
Dorothy Gonzales	Executive Assistant
Shannon Velazquez	Licensing Specialist

Personal Interviews. Richard Bard, Harold Brady, Matthew Burnett, Anthony Burson, Vern Coyner, Darcy Hernandez, Lauren King, Joshua Valenta, Peter Vo, Thomas Watson, Brandon White

Visitors. Nancy Ellen Soteriou, Ph.D., Texas Department of Transportation (TxDOT); Nathan King; Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); David Howerton, City of Denison, TX.

2. Public comment. None

Discuss and Possibly Act on the Following (Agenda Items 3-7):

3. Discuss and possibly approve the August 15, 2012, Licensing Committee Minutes.

It was MOVED/SECONDED (Greer/Baker) to approve the August 15, 2012, Licensing Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

4. Discuss and possibly act on applications for licensure: Personal Interviews.

Mr. Ballí, explained the interview and application process to everyone. He added that the Board has the obligation to carry out the Texas Engineering Practice Act and administering the Occupation Code Title 2, Chapter 53.

He also read the following statement:

It is one of the primary obligations of the Texas Board of Professional Engineers to assure that Texas engineers are held to the highest standards of competency, integrity, and honesty. Public safety depends upon that standard and consistently achieving in our profession requires faithful and unwavering practice of honesty and integrity in all aspects of our lives, not only when we sit at our desk.

Bard, Richard. This applicant applied to take the PE exam. He came before the committee due to a 2010 criminal incident on his record. Mr. Bard thanked the Committee for the opportunity to appear before them. He stated that he understands the seriousness of the incident and appreciates the Board holding PEs to high standards. He shared his experience related to the incident. He added that he thanks God no one was hurt and that he was embarrassed by the incident. He commented that he had never been in trouble before, and has not gotten in trouble since the incident. He has completed all court requirements, and is working on getting the incident expunged by August 2013. Mr. Bard shared with the Committee changes he has made in his life to ensure this does not happen again.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to allow Mr. Bard to take the PE exam. A vote was taken and the MOTION PASSED.

Burnett, Matthew. This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The applicant shared his experience regarding the incidents and lessons learned. He added that he has made changes in his life.

It was MOVED/SECONDED (Baker/Greer) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to allow Mr. Burnett to take the PE exam. A vote was taken and the MOTION PASSED.

Hernandez, Marcy. This applicant applied to take the PE exam. She came before the Committee due to a 2011 criminal incident on her record. The applicant thanked the Committee for the opportunity to share her experience and lessons learned as a result of the incident. She stated that she is embarrassed and added that this incident also disappointed her family. She commented that she takes precautions when going out, does not drink and drive, and will not put herself in that situation again and that she understands that she made a bad decision.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to allow Ms. Hernandez to take the PE exam. A vote was taken and the MOTION PASSED.

King, Lauren. This applicant applied to take the PE exam. She came before the Committee due to a 2011 criminal incident on her record. The applicant thanked the Committee for allowing her to present her case. She shared her experience related to the incident and lessons she learned.

It was MOVED/SECONDED (Kannappan/Baker) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to allow Ms. King to take the PE exam. A vote was taken and the MOTION PASSED.

Valenta, Joshua. This applicant applied to take the PE exam. He came before the Committee due to a 2010 criminal incident on his record. Mr. Valenta thanked the Committee for the opportunity and shared his experience, lessons learned, and changes he has made in his life. He added that he is thankful that no one was hurt and that since then, he has made better judgment decisions.

It was MOVED/SECONDED (Baker/Kannappan) to recommend to the full Board, at its Regular Quarterly Board meeting on November 29, 2012, to allow Mr. Valenta to take the PE exam. A vote was taken and the MOTION PASSED.

Vo, Peter. This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. Mr. Vo commented that incidents happened during his college years and that he has taken care of all court requirements, and made several changes in his life due to the incidents. The applicant was asked to explain why he did not complete the court requirements in 2006. Mr. Vo responded that this was during his junior year in college and that he contacted the courts and was advised to respond at the next hearing, which he did. He reiterated that he has made several changes in his life. After further discussion, the Committee discussed the need for Mr. Vo to understand the seriousness of the situation and the possibility of

requiring that he complete the level 1 (30 hour) Ethics course offered by The National Institute for Engineering Ethics at Texas Tech.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to require Mr. Vo to take the Level 1 Ethics Course, and upon demonstrating to staff that he has successfully completed the course, be allowed to take the PE exam. A vote was taken and the MOTION PASSED.

Watson, Thomas. This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The applicant thanked the Committee for the opportunity to share his experience and the lessons learned from the incidents. He also shared changes he has made in his life to ensure that this does not occur again.

It was MOVED/SECONDED (Kannappan/Greer) to recommend to the Board at its Regular Quarterly Board meeting on November 29, 2012, to allow Mr. Watson to take the PE exam. A vote was taken and the MOTION PASSED.

White, Brandon. This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The applicant thanked the Committee and shared his experience related to the incidents, lessons learned, and the changes he has made in his life due to the incidents. He added that he is embarrassed. He completed all court requirements.

It was MOVED/SECONDED (Greer/Baker) to recommend to the Board at its Regular Quarterly Board meeting on November 29, 2012, to allow Mr. White to take the PE exam. A vote was taken and the MOTION PASSED.

Brady, Harold. This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The applicant thanked the Committee for the opportunity to share his experience, lessons learned, and changes he has made in his life due to the incidents. Mr. Brady added that all his decisions are more thought out because now he is responsible for his children. After further discussion with the applicant, the Committee discussed the severity of the incidents and the Level 1 Ethics course at Texas Tech.

It was MOVED/SECONDED (Greer/Baker) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to require Mr. Brady to take the Level 1 Ethics Course, and upon demonstrating to staff that he has successfully completed the course, be allowed to take the PE exam. A vote was taken and the MOTION PASSED.

Burson, Anthony. This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The applicant thanked the Committee for the opportunity to share his experience, lessons learned and changes in his life due to the incidents. He commented that he has matured since the incidents. Ms. Baker asked Mr. Burson why he failed to answer “yes” on the application when asked about criminal history. Mr. Burson responded that he did not intend to mislead the Board, but he assumed that because he was never convicted of a felony, he answered no and proceeded with the application. After being contacted by staff, he re-read the application and realized that he had not read the entire question. He apologized for his actions.

It was MOVED/SECONDED (Greer/Baker) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to require Mr. Burson to take the Level 1 Ethics I Course, and upon demonstrating to staff that he has successfully completed the course, be allowed to take the PE exam. A vote was taken and the MOTION PASSED.

Coyner, Vern. This applicant applied to be licensed in Texas. He was previously licensed in Texas, but let his Texas license lapse in 2000 due to his work assignment in Saudi Arabia. He came before the Committee due to a criminal incident on his record. He stated that has been offered the opportunity to be a well examiner in Texas and that position requires a PE license. He stated that he realizes he made a horrible mistake in 2005 and is lucky that no one was hurt. He has completed all court requirements. He added that he is now older and wiser.

It was MOVED/SECONDED (Baker/Greer) to recommend to the full Board at its Regular Quarterly Board meeting on November 29, 2012, to relicense Mr. Coyner. A vote was taken and the MOTION PASSED 3 to 1. Mr. Ballí voted against the MOTION.

Shelton, Michael. Mr. Howell reported that Mr. Shelton was not present for his appearance before the Committee.

It was MOVED/SECONDED (Baker/Kannappan) to table Mr. Shelton's request until a future meeting. A vote was taken and the MOTION PASSED.

The Committee Chair called for a break at 3:29 pm.
The Committee Chair reconvened the meeting at 3:37 pm.

5. **Licensing Director's Report.**

- **Reports.** Mr. Howell reported on the following:
 - **E Week information.** This event occurs every February. NCEES is a sponsor of E week for 2013. Mr. Howell asked Committee members for any suggestions and thoughts on participation from the Texas Board. Mr. Kinney added that the Board Members and staff have participated in presentations to elementary and high school (K-12) activities during E week. The Chair added that Board members should add to their company website, and add to their calendar. Mr. Greer directed Mr. Kinney to discuss with other Executive Directors how they promote EWeek and involve Board members. Mr. Howell concluded by adding that EWeek promotion is to also show the importance of licensure.
 - **Results and statistics: Application and Examination Report.** Mr. Howell reviewed the report included as an exhibit.
 - **Structural Engineer Exam Update.** Reported that this was a task from the last meeting. The exam scores are low which shows that the exam is difficult and this is what the exam development committee expects. Committee members were informed that the Structural Engineers Association of Texas (SEAoT) has not brought up concerns regarding the low passing rates. Mr. Kinney added that the total number of applicants taking the structural engineer in Texas is about 40. Texas does not require this exam to be licensed in Texas because Texas does not have the SE designation.
 - **Licensing report.** Mr. Howell gave an update on the projects and application process in the licensing division.

6. **Advisory Licensure Task Force.** Mr. Kinney reported that this group was developed from the Advisory Committees that meet in the Spring. One common concern among the advisory committees was the licensure of Engineering Educators and how to encourage and promote it. The Task Force was developed from three representatives from each advisory committee. Board staff involvement was to host and help facilitate the meeting. The Task Force met in June to discuss the different issues with licensing engineering professors. The Task Force put together a statement of what their position was at the end of the meeting as a possible vision to promote licensure for engineering educators. Mr. Kinney reviewed the statement which was included as an exhibit. Mr. Kinney mentioned that the Board could not lobby or directly make any legislative changes. No action required.

7. **Issues for consideration and schedule next meeting.**

Adjourn.

It was MOVED/SECONDED (Kannappan/Baker) to adjourn the meeting at 4:02 pm. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted: February 13, 2013
Date Board accepted minutes: February 14, 2013